

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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COMMONWEALTH OF MASSACHUSETTS, *et al.*)
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Plaintiffs,)
)
)
v.)
) Case No. 1:25-cv-10338
NATIONAL INSTITUTES OF HEALTH, *et al.*,)
)
)
Defendants.)
)
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)

DECLARATION OF LIZA BUNDESEN

I, Liza Bundesen, hereby declare as follows:

1. I am the Acting Director of the Office of Extramural Research at the National Institutes of Health (NIH), an operating division of the United States Department of Health and Human Services. I have held this position since February 14, 2025. In this position, I am responsible for overseeing the NIH's grants program and ensuring that NIH grant awards comply with applicable laws, regulations, and policies. Prior to this, I served as the Deputy Director of the Office of Extramural Research since 2021, and before that a Science Policy Advisor to the Director of the Office of Extramural Research since 2014.
2. On February 21, 2025, I was informed that the United States District Court for the District of Massachusetts had extended the existing Temporary Restraining Order enjoining the NIH from implementing, applying, or enforcing the Rate Change Notice contained in NIH Grants Notice NOT-OD-25- 068 within Plaintiff States until further

order is issued by this Court. The referenced Guide Notice establishes an indirect cost rate of 15% on all institutions of higher learning that receive NIH grant funding.

3. I confirm that NIH has not implemented or enforced the indirect cost rate described in the Guide Notice and that the agency will not do so with respect to grantees in the Plaintiff states pending further instructions from the court. I also confirm, as far as the steps the agency has taken, that NIH has instructed all components responsible for disbursement not to implement the rate change within the Plaintiff States.
4. I am aware that Notice of the Court's Order has been provided to the Program Support Center, the component of DHHS that manages the disbursement of NIH grant award funding.

I HEREBY DECLARE TO THE BEST OF MY KNOWLEDGE AND BELIEF,
UNDER PENALTY OF PERJURY under the laws of the United States of America,
that the foregoing is true and correct.

EXECUTED this 25th day of February 2025 at 2:09 PM.

Liza Q. Bundesen -S  Digitally signed by Liza Q.
Bundesen -S
Date: 2025.02.25 14:10:29 -05'00'

Liza Bundesen, Ph.D.